

**REMARKS**

**Indication of Allowable Claims**

Applicants would like to thank the Examiner for indicating in the Office Action that claims 30-38 are allowable as written.

**Claims 1 and 21**

The Office Action rejected claims 1 and 21 under 35 U.S.C. § 102(e) as being anticipated by Nap *et al.* (U.S. Patent No. 6,246,677).

Independent Claim 1 recites:

1. A distributed data monitoring and control system suitable for residential automation applications, comprising:

at least one sensor suitably integrated with a residential system configured to provide a sensor data signal;

at least one wireless communication device communicatively coupled with the at least one sensor configured to receive the sensor data signal and format a first encoded data signal comprising a communication device identifier and a predetermined function code responsive to the received sensor data signal wherein the wireless communication device broadcasts the first encoded data signal over a wireless transmission media to a gateway communicatively coupled to a wide area network configured to receive and translate the first encoded data signal into a wide area network data transfer protocol for transmission to a computing device configured to collect, process, and store, the received sensor data signal.

Applicants have thoroughly examined the prior art references cited by the Office Action and respectfully submit that claim 1 is allowable over the cited

references. The cited prior art does not disclose teach or suggest a “data signal comprising a communication device identifier.”

*Nap* discloses a “utility ID” in the data stream. See *Nap* col. 18, lines 59-62. The utility ID does not identify the communications device. It identifies the utility that is communicating through the communications device. In *Nap*, as submitted in the Office Action, the communications device is the interface management unit, element 210 in FIG. 14, element 22 in FIG. 1. Therefore, the utility ID cannot disclose the communication device identifiers because the utility, element 212 in FIG. 14 of *Nap*, is different from the interface management unit, element 210 in FIG. 14 of *Nap*. There may be several utilities in communication with one communications device, one utility in communication with several communications devices, or several utilities in communication with several communications devices. In short, a utility ID does not disclose a communication device ID.

As shown above, the cited reference does not disclose, teach, or suggest all the elements of claim 1. Notwithstanding, the undersigned has reviewed the entirety of the references, and has failed to identify any such teaching anywhere within these references. Therefore, the rejection should be withdrawn. Additionally and notwithstanding the analysis hereinabove, there are other reasons why claim 1 is allowable.

Applicants respectfully traverse the rejection to claim 21 for similar reasons.

Claims 2-20 and 22-29

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-20 and 22-29 (which depend from independent claims 1 and 21) are allowable as a matter of law for at least the reason that dependent claims 2-20 and 22-29 contains all the steps/features of independent claims 1 and 21. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 2-20 and 22-29 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claims 1 and 21, dependent claims 2-20 and 22-29 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the prior art of record. Hence there are other reasons why dependent claims 2-20 and 22-29 are allowable.

Prior References Made of Record

The prior references made of record have been considered, but are not believed to affect the patentability of the presently pending claims. Other statements not explicitly addressed herein are not admitted.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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